

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PAUL DIBIASE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**ORDER**

16 Civ. 4722 (ER)

12 Crim. 834 (ER)

RAMOS, D.J.

On May 29, 2020, this Court denied Petitioner Paul DiBiase's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. Doc. 36. On June 24, Petitioner requested a certificate of appealability from this Court. Doc. 37. "A certificate of appealability may issue . . . only if the [Petitioner] has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Because Petitioner cannot meet his burden under § 2253(c)(2), his request for a certificate of appealability is denied. *Belk v. U.S.*, Nos. 05 Civ. 2696 (LTS) (HBP), 01 Crim. 180 (LTS), 2006 WL963880, at \*5 (S.D.N.Y. April 13, 2006). In addition, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal would not be taken in good faith and therefore denies *in forma pauperis* status for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

It is SO ORDERED.

Dated: November 13, 2020  
New York, New York



Edgardo Ramos, U.S.D.J.